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HOUSE COMMITTEE IS READY

(Continued from Page 1.)
RAILIFF ACT CAN PACK JURIES.

Senate Bill No. 5, the bailiff act, was brought up for third reading. Kumalae wanted to know why the committee in its report considered the former bailiff act of the Home Rule Legislature a bad law. Andrade arose and said it was because the bailiffs were vested with the same powers authorized for the Sheriff. A subordinate officer, such as the bailiff is, was given too much power. Section 3 provides that the bailiff shall execute all orders and processes, judgments and decrees, the execution of which is already upon the law books as the duty of Sheriffs. "They can pack a jury and any other old thing," said Andrade.

Paele, one of the members of the committee, said the intention of the original bailiff act was for the judges to appoint men to execute all their orders, because in former days the Sheriff sent out men who could not speak English, and were often half blind. He could see no harm in the act as it stood, and the judges had never made a report against it. He had not seen a bailiff doing anything wrong. Paele is a country member. Kumalae thought the Legislature might just as well give the Sheriff the right to choose the Legislature. He was bitterly opposed to having the High Sheriff appoint any one. No complaint had ever come from the several courts. "Why, then, are we here to repeal this act?" inquired Kumalae. "I was a member of the last Legislature, and I am not going to repeal a law that I helped to make, when I know its right and a good law. Who knows better about an office, its head or an outsider? Does the Chief Justice know more about the Supreme Court than the High Sheriff? I think so." He moved to indefinitely postpone consideration of the proposed repeal.

RAILIFFS AS STABLE GROOMS.

Pulae then waxed eloquent on the measure. The law of 1901 was satisfactory, as the bailiffs had not only acted as such in court, but as stock-keepers for the judges as well, and he wanted to repeal the act. To approve of the bill was to say to the judges that the Legislature was in favor of bailiffs as stable groomers. Fernandez, too, had served as a Deputy Sheriff, and he was proud to say that the work of the Sheriff's appointees was always satisfactory. Now a bailiff, on receiving a court order, calls on a policeman to do his work. He was surprised to have a Legislator stand up for a law which put power in the hands of appointees who are almost foreign to those who have to pay their salaries. The bailiff at Hilo did nothing but sleep and draw his salary. Kaniho had a suspicion. He explained by claiming to have discovered a mare's nest in the Senate which had a bill to increase the salaries of the judges and knocking out the bailiffs. He was aware that bailiffs were judges' bootblack's, stable boys, etc. The vote was taken on third reading and the infamous Humphreys bailiff act was consigned to oblivion by a vote of 21 to 5.

MACADAM USED BY COOPER.

Vida presented the following report for the committee of public expenditures:

"Our committee on public expenditures respectfully reports on House Resolution 214, referred to it, on work done by the Road Bureau on residence of Henry E. Cooper, as follows:

"The accountant of this committee, W. R. Sims, has examined the Road Bureau records and questioned the governmental employees connected with the work, and has determined that the services rendered have been insufficiently paid for, although he is unable to state definitely as to the amount, as no complete record of the work has been kept. His report to the committee is submitted as a part hereof.

"The accountant also finds that the Road Bureau served H. A. Isenberg during the current month, and that for this work the government was not properly paid. His report on this matter is also submitted herewith.

"Your committee deprecates and strongly condemns the practice of doing work of this nature by the government for private parties, and particularly for government officials, as the government has more than enough work of this class to perform. We are of the opinion that the practice should be stopped, and so recommend.

"Respectfully submitted,
"HENRY C. VIDA,
"Chairman Public Expenditures Committee.

"W. A. HAIA,
"D. M. KUPIHEA,
"D. DAMIEN."

"Hon. Henry C. Vida, Chairman: Referring to your inquiry as to work done and macadam delivered by the Road Bureau on premises of Henry E. Cooper, Superintendent of Public Works, I beg to report to you of my investigations as follows:

"Record shows in the Public Works office, payment, viz.:

"Receipt 3,612, March 17, 1903, Henry E. Cooper:

15 cubic yards No. 3 macadam, delivered, at \$2..... \$36.00

4 cubic yards No. 4 macadam, delivered, at \$2..... 8.00

3 days labor, spreading macadam, at \$1.25..... 3.75

\$47.75

"Same was billed to Mr. Cooper by Road Bureau on February 19, 1903.

"Time record by William C. Cummings, time keeper of teamsters in Road Bureau, shows the delivery to Mr. Cooper:

"February 13, 1903, five loads No. 4 macadam.

"February 13, 1903, three loads No. 3 macadam.

"February 17, 1903, two loads No. 4 macadam.

"Total, ten loads, averaging one and one-half cubic yards, equalling ten and one-half cubic yards No. 4 macadam and four and one-half cubic yards No. 3 macadam. Upon the basis charged the total would amount to \$30.

"I find, further, that work had been done under the former time keeper, David Dayton, Jr., of which no account whatever appears in the Road Bureau records.

"After interrogation of employees of the Road Bureau, past and present, I am unable to determine what amount should have been charged, as this information is based on memory, but have come to the conclusion that the government has been inadequately re-

imbursed for the services rendered in the work.

"W. R. SIMS, Accountant.
"House of Representatives."

"Referring to your inquiry with reference to the work done by the Road Bureau for H. A. Isenberg, I find that the Public Works office records show payment by Mr. Isenberg, under date of March 17, 1903, as follows:

6 1/2 cubic yards macadam, delivered, at \$2..... \$129.00

Five days use of steam roller, at \$8.75..... 43.75

\$172.75

"An investigation of the records of the Road Bureau shows that Mr. Isenberg was furnished with fifty-three loads of macadam, averaging one and one-half cubic yards each, which equals seventy-nine and one-half cubic yards, and would amount, at the rate charged, to \$159.

"I have therefore concluded that Mr. Isenberg has not paid fully for the material furnished, to the extent of \$30.

"W. R. SIMS,
"Accountant House of Representatives."

Kumalae moved to spread the report on the journal. Harris wanted to know what was recommended in the report, and Vida said it was to the effect that no government officials or private citizens receive privileges of this kind. The report was adopted.

The House then adjourned to 10 a. m. today.

IN THE SENATE

Upon motion of Senator Woods the bill relating to garnishment and attachments was reconsidered, to be taken up on the order of the day.

CHINESE OPPOSE HACKMEN'S BILL.

Petitions were read from the United Chinese Society and the Chinese Merchants' Association protesting against the "unfairness and injustice" of the hackmen's license bill passed by the House. There was a similar petition from twenty Chinese licensed hackmen, who said they would be driven out of business by the proposed legislation. They claimed they had homes and property here of which they would be deprived by this class legislation. They say the present law is amply sufficient, and that there are 10,000 Chinese, who are entitled to people of their own race as hack drivers; also that less than 10 per cent of the hackmen convicted of violations in the past five years, were Chinese. They claim also that they pay a large amount of taxes, and are entitled to protection. The petitions are to be considered with the bill.

Senator Dickey presented a petition signed by seventy citizens asking for an amendment to the general liquor bill requiring the consent of a majority of the property owners within a block of a proposed saloon.

JUDICIARY REPORTS.

The judiciary committee reported favorably the bill for the publication of United States court reports, and also the bill relating to co-partnerships.

GAMBLING BILLS.

Senator Isenberg introduced two bills, prohibiting gambling and gaming, and an act to enable the police to suppress gambling and gaming.

MUNICIPAL BILL TUESDAY.

On motion of Senator Achi, the bill providing for the incorporation of cities went over until Tuesday night, when it is made the special order of the day.

The bill granting the Kona-Kau Railway five years exemption from taxes passed third reading, Dickey voting no. An amendment by Dickey making the exemption on the rolling stock instead of the property was lost.

Action on Senate Bill No. 46, increasing the powers of banks, was deferred until Wednesday. Senator C. Brown said that the bill simply gave Territorial banks power to collect rents, act as administrators, etc., as is done in California. The committee reported against the bill.

Senate Bill No. 104, relating to attachments and garnishments, which failed Saturday, passed unanimously.

Senate Bill No. 110, relating to payment of taxes, and making every debtor liable for poll tax, passed second reading on the adoption of the report. The minority report, making eight times the annual rental the assessable value, was adopted.

Senate Bill 94A, relating to wills, passed the third reading with 13 yeas.

Senate Bill No. 94, amending the "act to regulate names," also passed the third reading unanimously.

Action on the act "providing for the redemption of real property sold under foreclosure of mortgage" was deferred until today to permit an amendment providing for a waiver of the redemption clause, and also that the purchaser shall have control of all rents during the year.

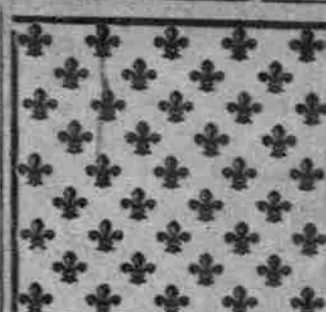
Senate Bills No. 13 and 7, providing for a public depository, went over until Wednesday because of the absence of Senator Baldwin, Senator Brown stating that he wanted No. 7 to go through with amendments.

Senate Bill No. 133, providing for the appointment of the 1895 claims commission, passed second reading. Senator Brown moved that the commission be not limited to citizens, but to residents, so that unbiased men could be secured.

"I would give them a red cent," said he. Senator Dickey changed this to "citizens of the United States," instead of Territory, which carried.

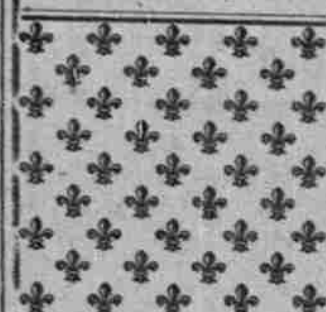
Senator McCandless moved to strike out the words "no other" so that the commission could examine into all claims. He said that there were many American citizens who were entitled to present their claims, as well as foreigners.

Senator Dickey wanted to add the name of "John Mitchell, \$1,000," who, he said, had been told by Secretary Sherman to present his claim after annexation. Senator Achi said Mitchell was an American citizen, and the bill might just as well include both Americans and Hawaiians as his name. Senator C. Brown said the bill was only to settle a dispute between the United States and foreign governments. Finally all these amendments were dropped. An amendment passed permitting



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LEVINGSTON'S

the Territory to appear by counsel and to present evidence. The bill passed second reading, to be read the third time today.

The bill providing a trustee for the Chinese fund passed second reading. Senator McCandless opposed placing the \$155,546 in a bank, saying that the Territory should have the use of the money. Senator Brown said that the money belonged either to the Chinese or to the United States.

The bill relating to heirs and judgments passed third reading unanimously.

AFTERNOON SESSION.

The clerk read a communication from the Governor announcing his signature to three bills, as reported in the House in the morning.

The bill relating to nuisances was referred to the judiciary committee. The bill amending the Board of Health law was referred to the health committee. The bill substituting chief engineer for fire marshal in the fire laws was referred to the judiciary committee.

The House hackmen's bill passed first reading.

TORRENS LAND LAW.

The entire afternoon was taken up with the third reading of the Torrens land registration act. But few changes were made; one allowed publication in any newspaper of general circulation; a second provided that moneys collected should be paid into the Treasury daily instead of monthly.

The word "justice" is changed to "judge" in the bill, and several minor changes in the verbiage are made. The bill passed third reading by a vote of 9 to 3, Kaohi, Nakaapahu and J. T. Brown voting no. The bill, as passed, is not materially changed from the form in which it was originally introduced.

CHINESE FUND AGAIN.

Immediately after the passage of the Torrens bill, Senator McCandless gave notice of a bill turning the Chinese fund into the Territorial Treasury as a "government realization," and it was introduced under suspension of the rules. The bill further provides that the fund is a continuing appropriation, which may be drawn upon by the Chinese entitled to it. Senator McCandless stated that under the bill which passed in the morning, the Territory would lose about \$12,000 interest annually, which the bank to be created as a trustee would get. Senator C. Brown opposed the bill, stating that the bill making a trustee provided for the fund and would prevent it from being milked by government employees. The debate became rather warm, and Senator Brown finally moved to reject. Senator McCandless called for the yeas and noes, and the motion to reject was lost on the following roll call: Ayes, Achi, C. Brown, J. T. Brown, Crabbe and Woods, 5; noes, Dickey, Kaue, Kaohi, McCandless, Nakaapahu, Paris and Wilcox, 7. The bill then passed first reading and went to the printing committee.

The Senate adjourned at 4:30 o'clock.

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